

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Patrick A. Linstruth,

Plaintiff(s),

v.

Case No. 1:05mc038

(Judge Michael H. Watson)

United States,

Defendant(s).

ORDER ADOPTING REPORT AND RECOMMENDATION


Before the Court is the November 3, 2005, Magistrate Judge's Report and Recommendation (Doc. 4).

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). To date, no objections to the November 3, 2005, Magistrate Judge's Report and Recommendation have been filed.

Upon *de novo* review of this matter, pursuant to 28 U.S.C. § 636, the Court finds no error in the Magistrate Judge's Report and Recommendation. Accordingly, the November 3, 2005, Magistrate Judge's Report and Recommendation is hereby **ADOPTED**. The United States Motion to Dismiss (Doc. 3) is **GRANTED**. The Petition to Quash is **DENIED**. This action is **DISMISSED**.

bac

November 22, 2005


Michael H. Watson
United States District Judge